

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:18-CV-635-DCK**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
APPROX. \$2,209 IN UNITED STATES CURRENCY, APPROX. \$50,000 IN FUNDS,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT regarding the status of this case. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate.

On March 31, 2020, the undersigned granted the parties’ “Joint Motion To Stay” (Document No. 13) and directed that a status report be filed within fourteen days of the conclusion of the criminal case. (Document No. 14). The related criminal trial concluded on or about January 8, 2021, and resulted in the conviction of Claimant Thuy Tien Luong. See (3:20-CR-079-KDB-DCK-1, Document No. 74). Neither side filed a status report.

On January 7, 2022, the undersigned ordered counsel for the parties to file a Status Report, jointly if possible, on or before January 19, 2022. (Document No. 15). Counsel for the Government filed a Status Report on January 20, 2022. The Report suggests that Claimant’s counsel has been “discharged,” however, Claimant’s counsel has not sought to withdraw from this matter or indicated any substitution of counsel.

The Government contends that the related criminal matter has not been finally resolved because Defendant Luong has not been sentenced and maintains a right to appeal, and therefore, this matter should remain stayed.

The undersigned is not persuaded that this matter should be stayed indefinitely; however, the undersigned will allow the stay to remain for the time being. The Court expects counsel for both sides to file a Status Report within ten (10) days of Defendant Luong's sentencing. In addition, Claimant's counsel must promptly update the Court on his status and his client's position on this case.

IT IS, THEREFORE, ORDERED that counsel for the parties shall file a Status Report within **ten (10) days** of Defendant Luong's sentencing in the related case: USA v. Luong, 3:20-CR-079-KDB-DCK. In the alternative, counsel may file a Stipulation of Dismissal.

IT IS FURTHER ORDERED that Claimant's counsel, Wilbert Terry Sherrill, shall file a Status Report on or before **January 28, 2022**. Continued failure to abide by this Court's Orders may result in sanctions.

The Clerk of Court is respectfully directed to send a copy of this Order to Mr. Sherrill by certified U.S. mail, return receipt requested.

SO ORDERED.

Signed: January 20, 2022



David C. Keesler
United States Magistrate Judge
